

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

3:04-cr-250

UNITED STATES OF AMERICA

vs.

MONICA NICOLE FLOYD (3)

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ORDER

THIS MATTER is before the Court upon motion of the defendant for a reduction of sentence based on retroactive amendments to the United States Sentencing Guidelines relating to crack cocaine triggered by the Fair Sentencing Act of 2010. (Doc. No. 730).

The Court previously found that the defendant was sentenced based on the statutory mandatory minimum applicable to her offense. (Doc. No. 562: Order at 1). Accordingly, the defendant is not eligible for relief under the recent retroactive amendments because the lowered guideline range remains trumped by the 120-month mandatory minimum sentence prior to considerations of departure. USSG §1B1.10 comment. (n.1(A)(ii)).

IT IS, THEREFORE, ORDERED that the defendant's motion is **DENIED**.

The Clerk is directed to certify copies of this order to the defendant, the Community Defender, the United States Attorney, the United States Marshals Service, and the United States Probation Office.

Signed: May 31, 2012



Robert J. Conrad, Jr.
Chief United States District Judge

